

# Unit Planning Guide

## 5

### UNIT PACING CHART

Unit 5		Chapter 15	Chapter 16	Chapter 17
Day 1	Unit Opener, Reading Social Studies	Chapter Opener, Section 1	Chapter Opener, Section 1	Chapter Opener, Section 1
Day 2		Section 2	Section 2, Landmark Supreme Court Case Studies	Section 2, Financial Literacy
Day 3		Section 3, Chapter Review, Visual Summary	Section 3, Issues to Debate	Section 3, Chapter Review, Visual Summary
Day 4		Chapter Assessment	Chapter Review, Visual Summary	Chapter Assessment
Day 5		TIME Reports	Chapter Assessment	Analyzing Primary Sources



### Teacher to Teacher



**Stephen Venezia,**  
Marblehead  
High School,  
Marblehead,  
Massachusetts

**Protecting the Accused** Divide the class into groups of three. Distribute a copy of the Bill of Rights and a numbered list of the following Constitutional protections: protection from testifying against yourself; speedy public trial; right to an impartial jury; no excessive fines; right to confront witnesses; protection from warrant less searches; right to a lawyer; right to due process; protection from being charged twice for the same crime; and protection from cruel punishment.

Have student groups match each protection with the proper Bill of Rights Amendment. The student groups will rate from 1 to 10 (1 being the most important) which protection is most important. After each group has presented their lists, have the entire class vote to create a class hierarchy of which protections are the most important. Encourage students to research a court case dealing with the highest-rated protection.

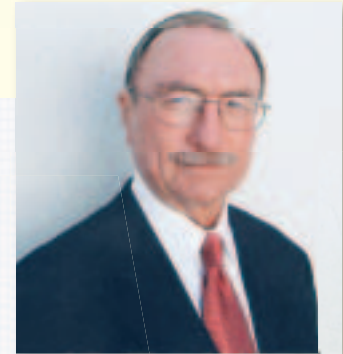
## Author Note

### Dear Social Studies Teacher:

This unit presents key ideas about some of the oldest and some of the newest features of our political life. As for the oldest, the concept that we are a nation governed by the rule of law is at the very heart of our democracy. The rule of law means that government is based on a body of law applied equally through just procedures, rather than rule by a privileged few whose whims dictate public policy and people's rights. Chief Justice John Marshall explained this principle clearly when he said: "The government of the United States has been emphatically termed a government of laws, not men."

As for a new feature of American politics, when designing this textbook we believed it was essential to pay special attention to the rapidly growing role of the Internet in politics. It was clear the Internet was dramatically changing how politicians and citizens alike were going to participate in the nation's political life. Today's elected officials likely resemble your students with respect to embracing the latest cyber innovations; the moment a new web activity appears, politicians are adapting it for use in their election campaigns. Many candidates have created their own personal Web sites. Sadly we are also learning that the Internet can also be terribly misused; thereby creating entirely new challenges for elected officials and the American legal system described in this unit.

As for citizens, the opportunities the Internet gives us to gather information about issues and to participate directly in the political process are continually expanding. The "blogosphere," chat rooms, online petitions and the like give citizens of all ages more chances to get involved in everything from presidential elections to selection of the proverbial local dogcatcher. While these new opportunities pose serious challenges for totalitarian regimes, they are the very lifeblood of our participatory democracy.



*Richard C. Geary*

Author



## Unit Objectives

## The Individual, the Law and the Internet

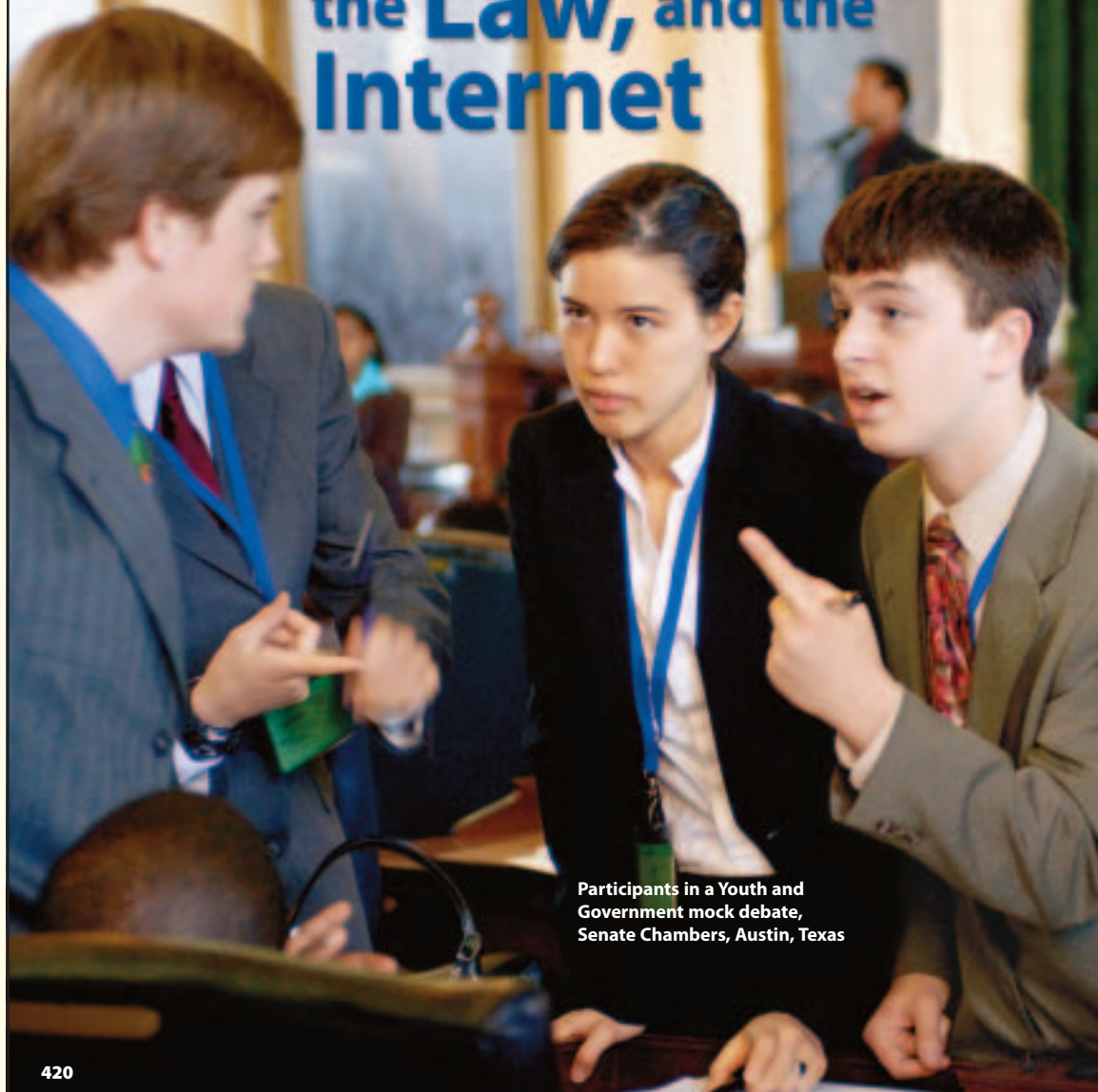
After studying this unit, students will be able to:

- Describe how law systems have developed over time and state the legal rights and responsibilities of Americans.
- Explain the differences between civil cases and criminal cases.
- Discuss the rights the Constitution grants to those who are accused of a crime.
- Explain the challenges Americans face with the development of technology.

## Did You Know?

Most American citizens obey the law, but many think that criminal activity has increased over the years. But did you know that criminal activity in major U.S. cities is decreasing? Between 1993 and 2004, violent crime has decreased 57 percent and property crime has decreased by 50 percent, thanks to more effective policing and citizen involvement. However, illegal drug activity and related crimes are on the increase. Special government agencies are trying to stop drug-related crimes and to teach students about the dangers of drugs.

## The Individual, the Law, and the Internet



Participants in a Youth and Government mock debate, Senate Chambers, Austin, Texas

420

## Activity: Launching the Unit

**The Individual, the Law, and the Internet** Ask: **Why are laws important?** (*Laws are important because they provide a list of rules by which society must abide. Without laws, people are on their own to protect their property and life. Without laws, people who take advantage of others could be shot or hung without any hesitation about whether they are guilty or innocent. Laws protect people who want to be productive citizens of a*

*community.*) Students know about rules and laws and often like to complain about how unfair they are. Have your students make a list of rules they have at home and at school. Then, have them write a list of laws they think are necessary to ensure a successful community. As you read each chapter, have students review their lists and discuss why laws are important to all societies. **OL**

★ **Chapter 15** Legal Rights and Responsibilities

★ **Chapter 16** Civil and Criminal Law

★ **Chapter 17** Citizenship and the Internet

## Be An Active Citizen



What laws protect property owners in your community? With a group of students, imagine you are all part owners of a grocery store. Someone slips and is injured in your store. Research the Internet and community laws to find out what problems you might or might not face in this situation. Report your findings to the class.

## Be an Active Citizen



What happens if someone is seriously injured at your home? Are you responsible for that harm? What rights does the injured party have? How are you protected? Have your students research the Internet to find out about personal injury laws in your state and to find answers to the following questions. How does one initiate a lawsuit? What proof does the victim need? How is the defendant protected? Do most personal injury cases go to court or get settled out of court? Encourage students to define the difference between an accident and negligent behavior.

421

### More About the Photo

**Visual Literacy** Most schools have debate teams who participate in mock debates. When students act the roles of lawyer, prosecutor, defendant, and victim, perspectives

can change. Ask students how a defense attorney must view crimes differently than a prosecutor.



## Why Identifying Cause and Effect Is Important

As students read, they may note that the author has used a special text structure. One text structure writers use is the cause-and-effect pattern. This pattern shows the reader the impact one event has on another. Writers also use the pattern to examine the reasons why something happened and to analyze the results of the event. The cause-and-effect structure often answers the question "Why?"

### 1 Learn It!

Have students create a sentence or two that explains the current weather conditions. Then, have them think about weather: Why is it raining/snowing/hot? Tell them to write one effect the weather has, such as "The snow has cancelled our game," or "The rain is helping the corn grow." Then have them combine their sentences into a small paragraph that uses the text structure of cause and effect. Tell students that signal words, such as *because*, *so*, and *therefore*, can indicate cause-and-effect relationships. **OL**

## Identifying Cause and Effect

### 1 Learn It!

Almost everything that happens in life is based upon cause and effect. For example, if you strike a match (cause) a flame appears (effect). Clue words to look for are: *as a result* or *due to*.

- Read the sentences below.
- Identify the cause of the expansion of Roman Law.
- Identify one effect Napoleon had on Louisiana.

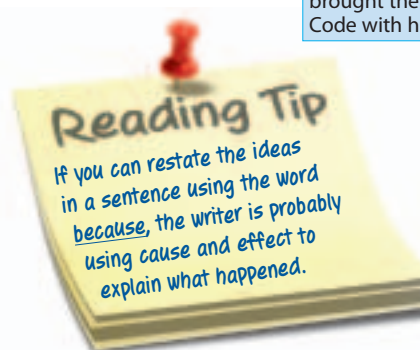
Napoleon updated the Justinian Code and called it the Napoleonic Code. Like the ancient Romans, Napoleon carried his laws to all the lands he controlled. One of those lands was Louisiana, an American territory which France eventually sold to the United States in 1803. The laws of the state of Louisiana are still based on the Napoleonic Code.

—from page 429

A chart like the one below will help you identify cause and effect.

**Cause:** Napoleon conquered lands and brought the Napoleonic Code with him.

**Effect:** Louisiana adopted the Napoleonic Code



**Identifying Cause and Effect** Write the following signal words and phrases on the board: *so*, *since*, *because*, and *consequently*. Explain to students that some writers provide clue words and phrases that suggest a cause-and-effect relationship. Sometimes this pattern shows a causal chain, how one thing leads to the next. The writer may then comment if the event had a positive or neg-

ative effect. Have students reread the second sentence. Point out that the writer describes how Napoleon imposed his laws onto his conquests. One event—Napoleon's conquests—led to another: the spread of Napoleonic law. However, the writer does not describe the result. Ask students to find a paragraph in Chapter 15 that illustrates cause-and-effect. **OL**

## 2 Practice It!

Read the following paragraph from this unit.

- Draw a chart like the one shown below.
- Identify one cause and effect from the paragraph to write in the chart.

In November 2000, residents of Palm Beach County in Florida filed, or registered, a civil lawsuit against the Palm Beach County Canvassing Board, their election authority. The residents argued that a flaw in the ballot format caused them to vote for candidates other than the candidate for whom they intended to vote. This civil suit led to a recounting of votes and reached the Supreme Court. The Court's ruling led to George W. Bush's winning the presidency in 2000.

—from page 449



### Read to Write Activity

Read the section titled "What Happens in a Civil Case" in Chapter 15, Section 2. Write a paragraph where you provide examples of actions people may take (*causes*) that might result in a civil law case (*effect*).

## 2 Practice It!

**Cause:** Civil cases filed in Florida over presidential votes.

**Effect:** Supreme Court supported recounting of votes. President Bush's victory was upheld.

Now have students draw a T-chart and list a few historical events from the past year in the left-hand column. In the right-hand column, have them describe the result or effect of those events. **OL**

## 3 Apply It!

Bring to class a collection of scientific and historical articles. Organize the class into small groups and have each group analyze a different piece of writing by creating a cause-and-effect chart or causal chain. After they have finished the work, have each group answer the following questions: *Why did it happen?* and *What is the result?* **OL**

## 3 Apply It!

Identify a cause and the resulting effects you can find in:

- Chapter 16, Section 2
- Chapter 17, Section 1



### Reading Strategy

### Read to Write

**Sequencing Events** After students read Chapter 15, have them write a brief explanation of what happens to someone when they are arrested. Before students begin writing, have them create a flowchart. After students complete their explanations, have

them work with partners to review the steps. Partners should check to see if any steps were left out. The order or sequence of events is important too, so have them correct any events that are out of order. **AL**

# Chapter Planning Guide

# 15

## Key to Ability Levels

**BL** Below level

**OL** On level

**AL** Above level

**ELL** English  
Language Learners

## Key to Teaching Resources



Print Material



DVD



CD-ROM



Transparency

Levels				Resources		Chapter Opener	Section 1	Section 2	Section 3	Chapter Assess
BL	OL	AL	ELL							
					<b>FOCUS</b>					
BL	OL	AL	ELL		Daily Focus Skills Transparencies		15-1	15-2	15-3	
					<b>TEACH</b>					
BL	OL		ELL		Reading Essentials and Note-Taking Guide*		p. 141	p. 144	p. 147	
BL	OL		ELL		Reading Skills Activity, URB			p. 7		
BL	OL	AL	ELL		Content Vocabulary Activity, URB*	p. 21	p. 21	p. 21	p. 21	
BL	OL	AL	ELL		Academic Vocabulary Activity, URB	p. 23	p. 23	p. 23	p. 23	
	OL				Biography Activity, URB				p. 25	
BL	OL	AL	ELL		Writing Skills Activity, URB		p. 27		p. 27	
	OL	AL			Critical Thinking Skills Activity, URB			p. 29		
BL	OL	AL	ELL		Chart, Graph, and Map Skills Activity, URB				p. 31	
BL	OL	AL	ELL		Differentiated Instruction, URB				p. 33	
BL	OL	AL	ELL		School-to-Home Connection Activity, URB*	p. 35	p. 35	p. 35	p. 35	
BL	OL		ELL		Guided Reading Activities, URB*		p. 39	p. 40	p. 41	
	OL	AL			Supreme Court Cases				pp. 81, 89, 99	
BL	OL	AL	ELL		Writer's Guidebook	✓	✓	✓	✓	✓
	OL	AL			Primary Source Document Library CD-ROM	✓	✓	✓	✓	✓
BL	OL	AL	ELL		Vocabulary PuzzleMaker CD-ROM	✓	✓	✓	✓	✓
BL	OL	AL	ELL		Daily Lecture & Discussion Notes (in Pres. Plus)		✓	✓	✓	✓
BL	OL	AL	ELL		StudentWorks™ Plus DVD		✓	✓	✓	✓
BL	OL	AL	ELL		Section Video Program		✓	✓	✓	
BL	OL	AL	ELL		TIME Interpreting Political Cartoons Transp.				Ch. 15	
BL	OL	AL	ELL		Writing Process Transparencies	✓	✓	✓	✓	✓

Note: Please refer to the *Unit Resource Book: The Individual, the Law, and the Internet* for this chapter's URB materials.

\* Also available in Spanish



- Interactive Lesson Planner
- Interactive Teacher Edition
- Fully editable blackline masters
- Section Spotlight Videos Launch
- Differentiated Lesson Plans
- Printable reports of daily assignments
- Standards Tracking System

Levels				Resources		Chapter Opener	Section 1	Section 2	Section 3	Chapter Assess
BL	OL	AL	ELL							
					<b>TEACH</b> <i>(continued)</i>					
<b>Teacher Resources</b>					Building Academic Vocabulary	✓	✓	✓	✓	✓
					Strategies for Success	✓	✓	✓	✓	✓
					Teacher's Guide to Differentiated Instruction	✓	✓	✓	✓	✓
					Graph Tool CD-ROM	✓	✓	✓	✓	✓
					Presentation Plus! DVD	✓	✓	✓	✓	✓
					<b>ASSESS</b>					
BL	OL	AL	ELL		Quizzes and Tests*		p. 178	p. 179	p. 180	p. 181
BL	OL	AL	ELL		Authentic Assessment with Rubrics				p. 19	
BL	OL	AL	ELL		Standardized Test Practice		p. 29	p. 29	p. 29	p. 29
BL	OL	AL	ELL		ExamView® Assessment Suite CD-ROM		15–1	15–2	15–3	Ch. 15
BL	OL	AL	ELL		Interactive Tutor Self-Assessment CD-ROM	✓	✓	✓	✓	✓
					<b>CLOSE</b>					
BL			ELL		Reteaching Activity, URB*		p. 37	p. 37	p. 37	
BL	OL		ELL		Reading and Study Skills Foldables™ Activity	p. 78	p. 79		p. 79	
BL	OL	AL	ELL		Civics Today in Graphic Novel	p. 61	p. 61			
BL	OL	AL	ELL		Graphic Organizer Transparencies & Strategies	✓	✓	✓	✓	✓



## Using CyberScout

### Research Using *Subject Area* in CyberScout

#### Technology Product

CyberScout is a convenient and dynamic search engine that provides several easy ways to locate information outside the McGraw-Hill Learning Network. CyberScout only searches Web sites that have been reviewed by teachers, so the information students find is always appropriate and accurate.

#### Objective

After students learn using CyberScout, they will be able to

- research global and historical issues using CyberScout;
- exercise research and study skills;
- practice writing skills.

#### Steps

- From the McGraw-Hill Learning Network home page ([www.mhln.com](http://www.mhln.com)), click **For Students**.
- Choose **CyberScout** from the **Homework Help**.
- The CyberScout page displays a set of results.
- Drill down by continuing to click **result links** until coming to a Web site of interest.
- Click the **link** to a Web site of interest.
- Students will be redirected to the Web site in a new window.
- Students navigate through the chosen Web site to gain information on their topics and take notes.
- Have students write a summary report of what they have learned.

## Civics ONLINE

	Student	Teacher	Parent
Beyond the Textbook	•	•	•
Chapter Overviews	•	•	•
Concepts in Motion	•		•
ePuzzles and Games	•		•
Glencoe Teaching Today		•	
Literature Connections		•	
Multi-Language Glossaries	•		•
Online Student Edition	•	•	•
Section Videos	•	•	•
Self-Check Quizzes	•		•
Student Web Activities	•		•
Study Central™	•		•
TIME Current Events	•		•
Vocabulary eFlashcards	•		•
Web Activity Lesson Plans		•	

#### Glencoe Media Center

[glencoe.com](http://glencoe.com)

#### Study-to-Go

- Vocabulary eFlashcards
- Self-Check Quizzes

#### Audio/Video

- Student Edition Audio
- Spanish Summaries

## Reading List Generator CD-ROM

## GLENCOE BOOKLINK 3

Use this database to search more than 30,000 titles to create a customized reading list for your students.

- Reading lists can be organized by students' reading level, author, genre, theme, or area of interest.
- The database provides Degrees of Reading Power™ (DRP) and Lexile™ readability scores for all selections.
- A brief summary of each selection is included.

### Leveled reading suggestions for this chapter:

#### For students at a Grade 7 reading level:

- *Andrew Young: A Matter of Choice*, by Jan Simpson

#### For students at a Grade 8 reading level:

- *Crime and Punishment*, by Fyodor Dostoevsky

#### For students at a Grade 9 reading level:

- *The Legal System: Opposing Viewpoints*, by Tamara L. Roleff

#### For students at a Grade 10 reading level:

- *Computer Crime*, by Robert L. Perry

#### For students at a Grade 11 reading level:

- *Malcolm X: By Any Means Necessary*, by Walter Dean Myers

## READING SUPPORT FROM JAMESTOWN EDUCATION

- **Timed Readings Plus in Social Studies** helps students increase their reading rate and fluency while maintaining comprehension. The 400-word passages are similar to those found on state and national assessments.
- **Reading in the Content Area: Social Studies** concentrates on six essential reading skills that help students better comprehend what they read. The book includes 75 high-interest nonfiction passages written at increasing levels of difficulty.
- **Reading Social Studies** includes strategic reading instruction and vocabulary support in Social Studies content for both ELLs and native speakers of English.
- **Content Vocabulary Workout** (Grades 6–8) accelerates reading comprehension through focused vocabulary development. Social Studies content vocabulary comes from the glossaries of Glencoe's Middle School Social Studies texts. [www.jamestowneducation.com](http://www.jamestowneducation.com)

## KEY Teacher Wraparound

Use this key to help you identify the different types of prompts found in the Teacher Wraparound Edition.

**R** **Reading Strategies** activities help you teach reading skills and vocabulary.

**C** **Critical Thinking** strategies help students apply and extend what they have learned.

**D** **Differentiated Instruction** activities provide instruction for students learning to speak English, along with suggestions for teaching various types of learners.

**S** **Skill Practice** strategies help students practice historical analysis and geography skills.

**W** **Writing Support** activities provide writing opportunities to help students comprehend the text.

Teaching strategies and activities have been coded for ability level appropriateness.

**AL** Activities for students working above grade level

**OL** Activities for students working on grade level

**BL** Activities for students working below grade level

**ELL** Activities for English Language Learners



## Focus

## Why It Matters

**Ask:** Besides driving within the speed limit, what legal responsibilities do American citizens have? (Answers may include: obeying all laws, respecting the rights of others, reporting crimes.)

## More About the Photo

**Visual Literacy** This police officer is ticketing a driver for some traffic violation. Many drivers looking at this photo might remember feeling resentment when an officer stopped them for a similar reason. Drivers often do not consider that the officer may have saved their lives, the lives of their passengers, and/or the lives of the other drivers around them. Some people believe that careless or aggressive drivers should be even more carefully monitored than they are at present. Traffic accidents are a major cause of death in the United States. According to the National Safety Council, a person's "chances of dying in an automobile crash is one in 84 over his or her lifetime. But his or her chances of winning the Mega Million lottery are one in 175 million."

## Teach

## BIG Ideas

As you begin teaching each section, use these questions and activities to help students focus on the Big Ideas.

## Section 1

**Sources of Our Laws** **Ask:** How might laws and punishment be different today than they were 4,000 years ago?

(Answers may include that we live in a very different world today than 4,000 years ago.)

## Legal Rights and Responsibilities



## Why It Matters

The Constitution and the Bill of Rights contain important provisions, or laws, safeguarding the rights of Americans. In return, our system of laws gives American citizens a number of responsibilities.

Students may suggest that laws were simpler and the punishments were more severe 4,000 years ago.) Tell students that Section 1 provides a brief history of laws. **OL**

## Section 2

**Types of Laws** **Ask:** What is the difference between criminal law and civil law? Can you provide an example of a crime and a civil dispute? (Criminal laws were written to prevent people from harming one another. Civil laws were written to regulate noncriminal disputes, such as breaking a contract.) Section 2 describes various U.S. laws. **OL**



# BIG Ideas

## Section 1: Sources of Our Laws

Throughout history, civilizations have developed systems of laws to meet their needs. Our laws today can be traced back to early legal systems such as the Code of Hammurabi and English common law.

## Section 2: Types of Laws

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties. A variety of laws protects people and their property, and helps settle disputes between parties.

## Section 3: The American Legal System

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties. All Americans have basic constitutional legal rights and responsibilities as well as important protections if they are accused of a crime.

### FOLDABLES<sup>TM</sup> Study Organizer

### Dinah Zike's Foldables

**Purpose** This Foldable guides students to analyze and sequence key influences and responsibilities within the judicial branch. The completed Foldable will use a chart to help them compare and contrast the different aspects of laws and how they are applied. **OL**

More Foldables activities for this chapter can be found in the *Dinah Zike's Reading and Study Skills Foldables* ancillary.

### Civics ONLINE

Introduce students to chapter content and key terms by having them access the **Chapter Overview** at [glencoe.com](http://glencoe.com).

### FOLDABLES<sup>TM</sup> Study Organizer

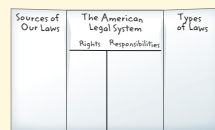
**Evaluating Information Study Foldable** Make the following Foldable to help you evaluate the sources and types of American laws, and the rights and responsibilities they protect.

**Step 1** Mark a point in the middle of the paper top to bottom. Fold in each side of the paper to meet that point.



**Step 3** Label all three sections as shown.

**Step 2** Unfold the paper and in the center section draw a T diagram.



### Reading and Writing

As you read the chapter, make notes under each heading about main ideas, key terms, and supporting facts for each topic. Write a paragraph summarizing the types of laws in America.

## Section 3

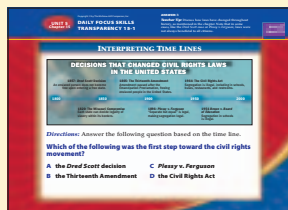
**The American Legal System** **Ask:** What rights does the Constitution guarantee people accused of crimes? (Possible answers: It guarantees the right to counsel, the right to avoid self-incrimination, and the right to a trial by jury.) In Section 3, students will learn about the rights of people accused of crimes and the responsibilities citizens owe to society. **OL**

## Focus



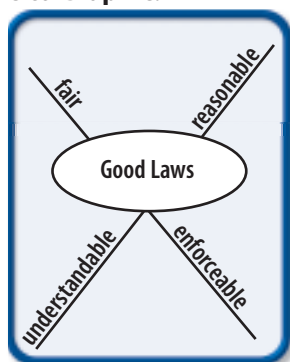
### Bellringer

Daily Focus Transparency 15-1



## Guide to Reading

Answers to Graphic:



### Section Spotlight Video

To learn more about the sources of our laws, have students watch the Section Spotlight Video for this section.

## Resource Manager

## Guide to Reading

### Big Idea

Throughout history, civilizations have developed systems of laws to meet their needs.

### Content Vocabulary

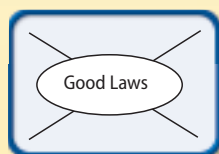
- common law (p. 429)
- precedent (p. 429)
- statute (p. 429)

### Academic Vocabulary

- potential (p. 427)
- resolve (p. 427)
- tradition (p. 427)

### Reading Strategy

**Identifying** As you read, identify the characteristics of good laws.



## Sources of Our Laws

**Real World Civics** In 2003 Kamala Harris made history, becoming the first woman and the first person of African and East Indian American descent to become a district attorney in the state of California. Now working as the district attorney in San Francisco, Harris represents activism in government. In addition to fighting crime, she works to protect children and improve their lives by pairing them with mentors. She also strives to protect the rights of immigrants, people living in poverty, women, and people of all races.

▼ Kamala Harris uses her public office to improve the lives of citizens



<b>R</b> Reading Strategies	<b>C</b> Critical Thinking	<b>D</b> Differentiated Instruction	<b>W</b> Writing Support	<b>S</b> Skill Practice
<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Making Connections, p. 427</li> <li>• Act. Prior Know., p. 428</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Cont. Vocab., URB p. 21</li> <li>• Ac. Voc., URB p. 23</li> <li>• Guid. Read., URB p. 39</li> <li>• RENTG, p. 141</li> <li>• Foldables, p. 79</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Analyzing Pri. Sources, p. 427</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Quizzes and Tests, p. 178</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Gifted and Talented, p. 428</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Reteach. Act., URB p. 37</li> <li>• Graphic Novel, p. 61</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Expository Writing, p. 429</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Reading a Time Line, p. 428</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Daily Focus Trans., 15-1</li> </ul>

## Functions of Laws

**Main Idea** Laws are sets of rules that allow people in a society to live together.

**Civics & You** Have you ever wondered why certain laws exist? Read to learn their purpose.

*“If fire break[s] out in a house, and some one . . . take[s] the property of the master of the house, he shall be thrown into that self-same fire.”*

—Code of Hammurabi, c. 1780 B.C.E.

Does this law strike you as harsh? It comes from the Code of Hammurabi, the first known system of written law.

### What Should Laws Do?

Laws are sets of rules that allow people to live together. Laws affect nearly everything we do—the food we eat, how we drive our cars, how we buy and sell things, and even what happens when we are born and when we die. People, organizations, and governments can deal with one another because everyone knows which actions are permissible and which are not.

A major purpose of laws is to keep the peace and prevent violent acts. Laws set punishments that are meant to discourage **potential**, or future, criminals. Laws include the administration of justice in the form of law enforcement agencies (police) and courts. Laws also set the rules for **resolving**, or answering, disagreements over money, property, contracts, and other noncriminal matters.

### What Makes a Law a Good Law?

Although not all laws are beneficial, good laws share certain characteristics. Good laws are fair. People in similar circumstances will be treated equally under the law.



**Laws Protect** This skateboarding sign in a park in Idaho suggests rules for the use of skateboards.

**Comparing** What is the difference between a warning and a law?

Good laws are also reasonable. In England in the 1700s, a person who stole a loaf of bread might have had his or her hand cut off. Today such harsh punishment for a similar crime would be considered unreasonable.

Good laws must be understandable. If laws are too complicated, people may break them without meaning to or realizing it. Ignorance of a law is no excuse for not obeying it. If most people understand the laws and believe they are reasonable and fair, then they will tend to obey the laws.

Finally, good laws are enforceable by communities, state authorities, or federal authorities. The government's ability to enforce a law often depends on the people's willingness to obey it.

### A Nation of Laws

When the writers of the Constitution created our government, they based the nation's system of laws on ideas, **traditions** (customs), and laws passed down from generation to generation. Some of these ideas date back thousands of years.

**Reading Check Explaining** What are fair laws?

## Teach

### C Critical Thinking

**Analyzing Primary Sources** Discuss with students the quote from the Code of Hammurabi. **Ask:** Why do you think ancient laws were so harsh? (Students may answer that the authoritarian rulers of the time felt that harsh laws would help them control their realms.) **AL**

### R Reading Strategy

**Making Connections** Have students discuss the four characteristics of a good law. Ask them to provide an example of each. They may use family, classroom, or school rules as examples. **OL**

#### Caption Answer:

A warning is advice to act responsibly or to conform to a code of conduct. A law is a rule established by society. Breaking it can lead to formal punishment.

**Reading Check** **Answer:** Laws are fair when all people in similar situations are treated equally.

## Hands-On Chapter Project Step 1

### Learning About the Legal System

**Step 1: Creating Good Laws** In this project, students will create a game in which a defendant will move through the legal system. In each step, groups will create cards to be used to advance the player or defendant through the system. You may vary game rules to meet students' abilities.

**Directions** Begin by organizing the class into four groups and assigning them to a color: red, yellow, blue, and green. Provide colored note cards to each group. In this step, have each group brainstorm the most common crimes people commit. Then, have them write four good laws to address these crimes. Ask them to discuss if their laws are good, meeting all the characteristics listed in the text. In addition, have them research the typical punishment for breaking each

law. Groups will write each law and its punishment on their colored note cards that will be used in Step 4.

**Summary** Have groups share their information and discuss if the punishment fits the crime. **OL**

(Project continued in Section 2)



# Teach

## Reading Strategy

**Activating Prior Knowledge** Ask students to recall what they know about prehistoric societies. Encourage them to discuss the difficulty of governing such societies without written laws. **OL**

## Differentiated Instruction

**Gifted and Talented** Have students research two laws from the Code of Hammurabi and two from the Justinian Code. Ask them to compare the laws from each of these systems in a panel discussion. They might discuss the punishments, why the punishments are different, and whether they think the laws are fair. **AL**

## Skill Practice

**Reading a Time Line** Have students calculate the approximate number of years between the Justinian Code and the Code of Hammurabi. (about 1,268 years.) **OL**

## Analyzing Time Lines

### Answers:

- the Code of Hammurabi
- the Justinian Code

## Differentiated Instruction

Writing Skills Activity 15		
Understanding and Clarifying Word Meanings		
<p><b>Learning the Skill</b> Many English words, especially legal and medical terms, are from Latin roots and words. In this activity, students will learn about a word's origin often follows the word's pronunciation and part of speech. Learning about the Latin origin of some English legal terms will help you understand the historical basis for American legal concepts, values, and beliefs.</p> <p>Review the Latin origin for the following legal terms:</p>		
Legal Term	Latin Origin	English Meaning
double jeopardy	From <i>duplex</i> (twice) and <i>periculum</i> (danger)	Double jeopardy is the principle that a person cannot be tried twice for the same crime.
stare decisis	From <i>stare</i> (to stand) and <i>decisis</i> (decision)	Stare decisis is the principle that courts should follow precedents previously set.
Practicing the Skill		
Directions: Consult a dictionary to complete the chart below.		
Legal Term	Latin Origin	English Meaning
trial		
jury		
verdict		

Writing Skills Activity 15, URB pp. 27–28

## History of Law

**Main Idea** Law systems of early societies influence us today.

**Civics & You** Have you ever seen a courtroom trial? Read more to find out how the judges' rulings also help make law.

**L**egal scholars believe that some kind of law existed in even the earliest human societies. They trace its beginnings to prehistoric people, who used unwritten rules of behavior to help people avoid or cope with social conflict. These earliest laws were probably passed orally from one generation to the next. Later, people began to write down their laws.

## Code of Hammurabi

**D**The first known system of written law was the Code of Hammurabi. King Hammurabi of Babylonia, an ancient Middle Eastern empire, compiled his code in about 1760 B.C. By today's standards, the Code of Hammurabi prescribed very harsh penalties.

Another set of early laws is the Ten Commandments found in the Hebrew Bible. Hebrews living in ancient Palestine followed these laws. Moral rules of the Commandments, such as "thou shalt not steal" and "thou shalt not kill," are reflected in our laws today.

## Roman Law

The first code of Roman law was published in 450 B.C. As in the Code of Hammurabi, Roman penalties for offenses were drastic by later standards. Over centuries the Roman senate adopted a great many laws, and Roman judges wrote commentaries on them, which often became part of the law.

**Roman Law Spreads** As the Roman Empire grew, its laws spread to Europe, Africa, and Asia. In A.D. 533 Emperor Justinian I, ruler of the Byzantine Empire, also known as the Eastern Roman Empire, boiled down the confusing mass of Roman laws into an orderly body of rules called the Justinian Code. This code became the basis of law for the Byzantine Empire. Roman law also became part of the laws of the Roman Catholic Church, known as canon law.

## Development of Legal Systems

Charts in Motion  
See StudentWorks™ Plus or [glencoe.com](http://glencoe.com).

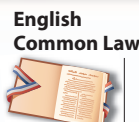
### Code of Hammurabi



### Ten Commandments



### Justinian Code



### U.S. Constitution



### Napoleonic Code

2000 1500 1000 500 B.C. 0 A.D. 500 1000 1500 2000

## Analyzing Time Lines

- Identifying** What was the first-known written law?
- Describing** On what set of laws did Napoleon base his code of laws?

428 Chapter 15

## Understanding and Clarifying Word Meanings

**Objective:** To determine word meanings

**Focus:** Have students use a dictionary to find definitions of legal terms.

**Teach:** Review how knowing Latin root words can help determine word meaning.

**Assess:** Have students use the words in sentences.

**Close:** Create a class chart of common Latin roots.

## Differentiated Instruction Strategies

**BL** List two other words with the Latin root "evidens" (clear). Define them.

**AL** Make a list of five other legal terms from the text and find the words' origins. Write sentences using the terms.

**ELL** Write the antonym for "innocent" and look up the word's origin.

More than twelve hundred years after the Justinian Code was written, its ideas were taken over by the French emperor Napoleon Bonaparte. Napoleon updated the Justinian Code and called it the Napoleonic Code. Like the ancient Romans, Napoleon carried his laws to all the lands he controlled. One of those lands was Louisiana, an American territory which France eventually sold to the United States in 1803. The laws of the state of Louisiana are still based on the Napoleonic Code.

## English Law

The most important source of American laws is English law. Perhaps the greatest contribution is the English system of **common law**, or law based on court decisions rather than on a legal code. In other words, it is a system of analyzing how a previous judge applied a law, and using it later in the same manner. After the Norman conquest of England in 1066, English kings sent judges into the countryside to hold trials and

administer the law. When judges decided a new case, they looked in the books for a similar case and followed the earlier ruling, or **precedent**. Precedents are legal opinions that became part of the common law. English judges were familiar with Roman law and canon law, and they blended these into the body of common law. The law came to include basic principles of individual's rights, such as trial by jury and the concept that people are considered innocent until proven guilty.

Although acts of Parliament—written **statutes**—came to dominate the English legal system, common law continued to have a strong influence. When English settlers came to North America in the 1600s and 1700s, they brought with them their traditions of common law and individual's rights. The common-law tradition of following precedents still survives in our U.S. courts.

**Reading Check** **Concluding** Why was the Justinian Code important?

## Teach

### Writing Support

**Expository Writing** Have students write a few paragraphs relating how the Napoleonic Code and English law came to influence law in the United States. **OL**

**Reading Check** **Answer:** The Justinian Code organized the Roman laws and became the law system of the Byzantine Empire. Napoleon based his Napoleonic Code on the Justinian Code.

## Assess



**Study Central™** provides summaries, interactive games, and online graphic organizers to help students review content.

## Close

**Visual/Spatial** Have students create a brochure that includes a bulleted list of the laws that have influenced modern day laws. Have them provide an illustration for each type of law. **BL**

## Section 1 Review

## Section Review

### Vocabulary

- Define** the following terms and use them in sentences related to law and legal systems: *common law*, *precedent*, *statute*.

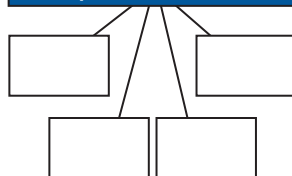
### Main Ideas

- Explaining** What is the purpose of laws?
- Identifying** What are two early legal systems that have influenced the development of our laws?

### Critical Thinking

- BIG Ideas** How did English law influence the development of American law?
- Making Comparisons** Using a graphic organizer like the one below, compare early systems of law.

#### Examples of Kinds of Laws



- Analyzing Visuals** Look at the time line on page 428. The U.S. Constitution was written about how many years after the Justinian Code was written?

### CITIZENSHIP Activity

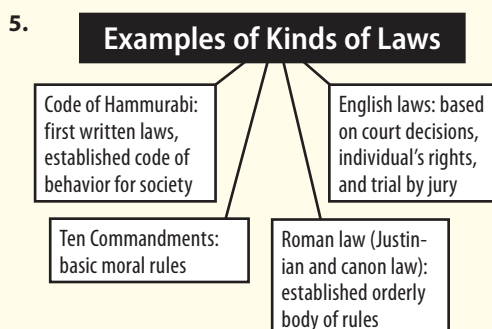
- Expository Writing** John Adams wrote in 1779 that Massachusetts should have “a government of laws, and not of men.” What do you think he meant by this?



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).

## Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- Laws set rules for living in a secure and orderly way and enforce these rules with penalties.
- the Ten Commandments and English law
- American law stills follows the tradition of precedents, individual rights, and trial by jury.



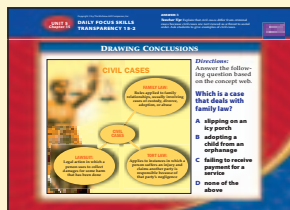
- about 3,537 years later
- Answers will vary. Students may mention that the government should operate according to established rules rather than the will of self-serving officials.

# Focus



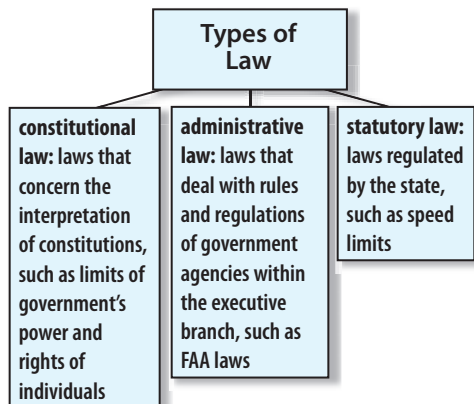
## Bellringer

Daily Focus Transparency 15-2



## Guide to Reading

Answers to Graphic:



## Section Spotlight Video

To learn more about types of laws, have students watch the Section Spotlight Video for this section.

## Resource Manager

## Guide to Reading

### Big Idea

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.

### Content Vocabulary

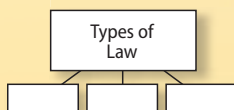
- plaintiff (p. 431)
- defendant (p. 431)
- felony (p. 432)
- misdemeanor (p. 432)
- larceny (p. 432)
- robbery (p. 432)
- burglary (p. 432)
- lawsuit (p. 432)
- tort (p. 433)
- libel (p. 433)
- constitutional law (p. 434)

### Academic Vocabulary

- prohibition (p. 431)
- recover (p. 433)

### Reading Strategy

**Comparing** As you read, explain on a graphic organizer like the one below the difference between constitutional, administrative, and statutory law.



# Types of Laws

**Real World Civics** Moviegoers are thrilled to watch a car chase on the screen . . . but real-life speeding is a crime. The state and federal governments set laws to help protect people from such crimes. In 1995 the national interstate speed limit of 55 miles per hour—which had been federally imposed in 1974 to save fuel—was lifted, and each state set its own speed limits. Most states raised their interstate limits to 65 or 70 miles per hour. Safety is an issue, but motorists have supported the higher speed limits.

▼ A South Carolina highway crew “ups” the speed limit



R Reading Strategies	C Critical Thinking	D Differentiated Instruction	W Writing Support	S Skill Practice
<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Summarizing, p. 431</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Read. Skills, URB p. 7</li> <li>• Cont. Vocab., URB p. 21</li> <li>• Ac. Vocab., URB p. 23</li> <li>• Guid. Read., URB p. 40</li> <li>• RENTG, p. 144</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Ident. Points of View, p. 431</li> <li>• Contrasting, p. 432</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Crit. Think., URB p. 29</li> <li>• Quizzes and Tests, p. 179</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Kinesthetic, p. 434</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• School to Home Conn., URB p. 35</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Personal Writing, p. 432</li> <li>• Persuasive Writing, p. 433</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Making a Cause/Effect Chart, p. 433</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Daily Focus Trans., 15-2</li> </ul>



## Criminal and Civil Law

**Main Idea** Criminal laws help maintain a peaceful and orderly society, while civil laws involve disputes between people or groups.

**Civics & You** What would you do if your bicycle were stolen? Read more to find out how our legal system handles such a case.

**M**ost people are familiar with criminal laws, such as **prohibitions**, or bans, against drunk driving, robbing a store, or selling drugs. Other kinds of laws exist as well. Civil law is concerned with disputes between people (or groups of people) or between the government and its citizens. Public law concerns alleged violations of constitutional rights and disputes involving the actions of government agencies.

Two types of law affect Americans directly—criminal law and civil law. These laws help maintain a peaceful and orderly society. People who break these laws are likely to find themselves in a courtroom.

## Criminal Law

Criminal laws seek to prevent people from deliberately or recklessly harming one another or one another's property. American courts operate on an adversary system. Under this system, the courtroom serves as an arena in which lawyers for opposing sides try to present their strongest cases. The judge has an impartial role and should be fair to both sides. Critics of the adversary system argue that it encourages lawyers to ignore evidence that is not favorable to their sides. Supporters, though, claim that it is the best system to bring out the facts of a case.

In criminal cases, the government is always the **plaintiff**—the party that brings the charges against the accused. The basis for this tradition is that the American system of justice assumes that society—everyone—is the victim when a crime is committed.

**We Are All Victims** The individual or group accused of a crime is the **defendant**. About 95 percent of criminal trials in the United States are for violations of state laws. Most criminal cases are titled in terms of the

**Felonies** Serious crimes, such as arson, burglary, and murder, are considered felonies. Arson is also categorized as a crime against property. **Identifying** What are other examples of crimes against property?



431

## Teach

### Reading Strategy

**Summarizing** Have students create a T-chart. Label one column Criminal Law and the other Civil Law. As students read, have them write a brief definition for each and provide examples of crimes in each column. Ask them to keep their charts and to continue to fill them in as they read more about criminal and civil law. **OL**

### Critical Thinking

**Identifying Points of View** Ask students to explain why some people support the adversary system. Then have them explain why others feel that this system is faulty. (*Supporters point out that the adversary system brings out the facts of a case. Other people consider it faulty because it encourages lawyers to ignore evidence unfavorable to their sides.*) **OL**

#### Caption Answer:

Vandalism, larceny, and robbery are examples of crimes against property.

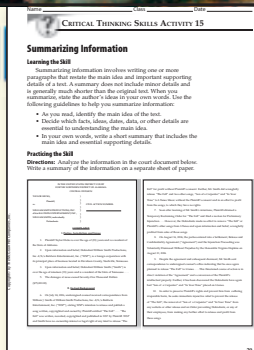
## Differentiated Instruction

### Summarizing Information

- Objective:** To summarize a document
- Focus:** Have students read the complaint about copyright issues over a song.
- Teach:** Identify the main idea in order to write a summary.
- Assess:** Check for essential information in summaries.
- Close:** Create a bulleted list of essential information from the text as a class.

### Differentiated Instruction Strategies

- BL** List two details that you did not include in the summary and explain why you did not include them
- AL** Explain the meaning of the legal term "intellectual property." Use it in a sentence.
- ELL** Write one sentence that explains why this complaint was filed.



**Critical Thinking Skills Activity 15, URB**  
pp. 29–30

## Teach

### C Critical Thinking

**Contrasting** Ask students to add the terms “felonies” and “misdemeanors” to their T-charts. Have students discuss the difference between felonies and misdemeanors. **OL**

### W Writing Support

**Personal Writing** Have students work with partners and discuss causes of lawsuits with which they are familiar. Ask pairs to discuss kinds of lawsuits they feel are justifiable. Have students write a paragraph or two and share their ideas with the class. **OL**

## TIME Teens in Action

### Answer:

to provide responsible role models to young students and to promote an alcohol-free lifestyle

## Hands-On Chapter Project Step 2

## Learning About the Legal System

**Step 2: Describing the Players** In this step, groups will continue to devise note cards to play their game. The same groups from Step 1 will create different scenarios in which a defendant can progress through the legal system.

**Directions** In this step, each group will describe the progress a defendant makes while attending court. For example, a group might write, “Your trial is delayed due to jury tampering. Skip a turn” or “You plea-bargain your case. Move ahead four spaces.” Each group will write four or five scenarios on their color-coded cards. Encourage groups to talk with local attorneys and

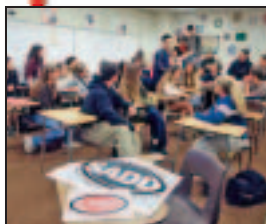
judges to glean ideas for their scenarios.

**Summary** Have students keep their cards from both Step 1 and Step 2. In Step 3, students will design the board game. **OL**  
(Project continued in Section 3)

## TIME Teens in Action

### Jeremy Verbit

Jeremy Verbit, 18, of Warren, Michigan, was saddened and angry over deaths caused by drunk drivers in his community and decided to take action. Jeremy, who believes, “We’re not born with responsibility; it is learned,” decided to join Students Against Destructive Decisions (SADD). Now he is spreading an important message.



SADD meeting

### QUESTION:

How did you turn your anger into something positive?

**ANSWER:** I became a freshman representative with SADD. My school’s chapter works to prevent drunk driving. We wanted to help

tomorrow’s high school students by starting Peer Resistance Training.

**Q:** Peer Resistance Training? What’s that?

**A:** It’s a program designed to train high school students to go to local fifth-grade classrooms. The older kids serve as role models to promote an alcohol-free lifestyle and let kids know there are lots of ways to have fun that don’t involve drinking.

**Q:** How many younger kids do you speak to?

**A:** Each year, the program reaches about 300 fifth graders and trains around 20 high school students as role models. And it’s working. When we leave the school after our presentations, we can hear fifth graders talking to their friends about how underage drinking is “irresponsible.”

**ACTION FACT:** Verbit’s other interests include computers and the Detroit Pistons basketball team.

### Making a Difference

### CITIZENSHIP

What is the purpose of Peer Resistance Training?

state against the defendant—for example, *State of California v. John Jones*. This way of naming cases shows that the government, rather than an individual crime victim, is bringing action against the defendant.

**Felonies and Misdemeanors** Crimes are graded as either **felonies** or **misdemeanors**. Murder, rape, arson, robbery, and other serious crimes are felonies because they have serious consequences for the victim and the criminal. Misdemeanors are offenses such as vandalism or stealing inexpensive items. Typically, misdemeanors are punishable with a fine or a jail sentence of less than one year.

**Crimes Against Property** Crimes against property are the most common type of crime. The category of crimes against property includes crimes in which property is destroyed and crimes in which property is stolen or taken against the owner’s will. Arson and vandalism are examples of crimes involving the destruction of property.

There are other categories of crimes that involve taking property against the will of the owner. **Larceny** is the unlawful taking away of another person’s property with the intent never to return it. **Robbery** is the taking of property from a person’s possession by using force or threats, while **burglary** is the unlawful entry into any dwelling or structure with the intention to commit a crime.

### Civil Law

Civil law is concerned with disputes between people or groups in which no criminal laws have been broken. These disputes are not viewed as a threat to the social order, so the state will not take legal action. When a civil case goes to court, it is called a **lawsuit**. A lawsuit is a legal action whereby a person or group sues to collect damages for some harm that is done. Individuals who think they have been wronged must take action themselves by filing a lawsuit. The person suing is the plaintiff, while the person or organization being sued is the defendant.



**What Happens in a Civil Case?** Individuals believe they have lost something of value or suffered some damage because of someone else's blameworthy actions. A case may be a dispute over a contract in which one party believes that the other has not fulfilled the terms of an agreement.

Suppose, for example, that you order something from a mail-order catalog and charge it to your credit card. The mail-order company has, in effect, made a contract with you. If you do not receive the merchandise, the mail-order company has broken the contract. If the company fails to return your money, you can take it to court.

**Tort Law** Civil law also covers **torts**, or civil wrongs. In tort law a person may suffer an injury and claim that another party is responsible because of negligence. Suppose, for example, that you slip on ice on your neighbor's sidewalk and break a leg. According to your local law, property owners are responsible for keeping their sidewalks clear of ice. If your neighbor does not do this and you are injured as a result, you have a right to sue and **recover**, or get back, the costs of your medical treatment and other damages.

**Family Law** The basic social unit is the family. Not surprisingly, much civil law involves rules applied to the relationship between members of the family unit. The legality of marriage is regulated by state law. Typically, a state requires a person to be at least 18 years of age to be married unless there is parental consent. Typical family law cases involve divorce, child custody, adoption, alimony, child support, and spousal and child abuse.

## Battles for Legal Rights

One of the earliest individuals to fight for people's rights was John Peter Zenger (1697–1746). Zenger was a New York newspaper editor who, in 1732, published stories about the colony's corrupt royal governor. At the time no newspapers had the freedom to criticize government officials. The gov-



**Statutory Law** Statutes are the source of many of our rights. The Americans with Disabilities Act states that employees are to be provided "reasonable accommodations" necessary to assist them in doing their jobs. **Analyzing** What would be "reasonable accommodations" for a person in a wheelchair?

ernor charged Zenger with **libel**, the printing of false and damaging information, and threw him into jail. When the case came to trial in 1735, however, it took the jurors just 10 minutes to reach a "not guilty" verdict.

Another journalistic trailblazer was Ida Wells-Barnett (1862–1931). The daughter of slaves, she crusaded against lynching and for equal rights for all Americans. Her career was launched when she was forcibly removed from a railroad car reserved for whites in Memphis in 1884. For the rest of her life, she fought against segregation and for women's rights. In 1909 she helped found the National Association for the Advancement of Colored People (NAACP).

**Reading Check** **Comparing** What is the difference between a felony and a misdemeanor?

## Teach

### W Writing Support

**Persuasive Writing** Have students write letters to the editor of a local newspaper explaining their opinions about whether the government should legislate the actions of a family. **OL**

### S Skill Practice

**Making a Cause-and-Effect Chart** Have students research why it was illegal to criticize the government in the 1730s and why this law was changed. Have them make a cause-and-effect chart showing the reasons for Zenger's imprisonment and for his release as "not guilty." **AL**

#### Caption Answer:

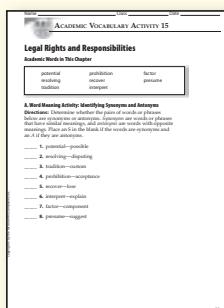
Answers may include outside ramps and larger elevators and bathrooms.

**Reading Check** **Answer:** A felony is a serious crime. A misdemeanor is a less serious offense.

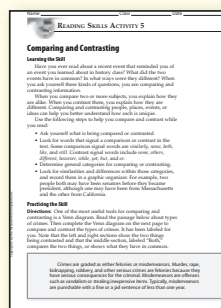
## Differentiated Instruction

## Leveled Activities

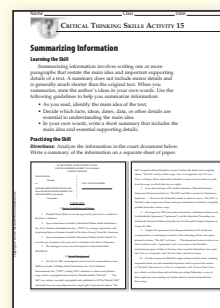
**BL** Academic Vocabulary Activity 15, URB pp. 23–24



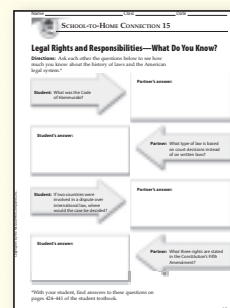
**OL** Reading Activity 15, URB pp. 7–8



**AL** Critical Thinking Skills Activity 15, URB pp. 29–30



**ELL** School-to-Home Activity 15, URB pp. 35–36





# Teach

## D Differentiated Instruction

**Kinesthetic** Have groups research unusual laws your state still has on record. For example, in Michigan, a person may not tie an alligator to a fire hydrant. Then have groups perform skits that illustrate these peculiar laws. **OL**

**Reading Check** **Answer:** speeding laws, food safety regulations, getting a driver's license, and so on

# Assess



**Study Central™** provides summaries, interactive games, and online graphic organizers to help students review content.

# Close

**Analyzing Information** Have students read the newspaper and locate examples of criminal, civil, constitutional, administrative, and statutory law. Ask students to analyze the information by creating a chart, noting which kind of law was most often in the news. **OL**

## Section 2 Review

## Other Types of Law

**Main Idea** Laws protect your rights and enforce rules and statutes.

**Civics & You** When you buy a snack, do you ever worry it might contain ingredients that could make you sick? Read to find out what kind of law ensures that your snack is safe to eat.

**L**aws that govern our lives and protect our rights come from many sources. These are state and federal constitutions, administrative agencies, and lawmaking bodies.

**Constitutional Law** The Constitution is the most fundamental and important source of law in the United States. The term **constitutional law** applies to that branch of the law dealing with the formation, construction, and interpretation of constitutions. For the most part, cases involving constitutional law decide the limits of the government's power and the rights of the individual.

**Administrative Law** If the Federal Aviation Administration issued an order requiring commercial airlines to install a new type of safety device, that would be an example of administrative law. Administrative law refers to the rules and regulations that the executive branch must make to carry out its job. It might include an individual charging a government agency with wrongdoing.

**Statutory Law** Recall from Section 1 that a statute is a law written by a legislative branch of government. The U.S. Congress, state legislatures, and local legislatures write thousands of these laws. Statutes regulate our behavior by setting speed limits and specifying rules for inspecting food products. Statutes are also the source of many of the rights and benefits we take for granted, such as the right to get a Social Security check, to enter a veterans' hospital, to get a driver's license, and to return merchandise you bought at a store.

**Reading Check Identifying** What is an example of a statutory law?

## Section 2 Review

### Vocabulary

- Define** the following terms and use them in sentences related to different kinds of laws: *plaintiff, defendant, felony, misdemeanor, larceny, robbery, burglary, lawsuit, tort, libel, constitutional law.*

### Main Ideas

- Describing** Give at least two reasons a person might file a civil lawsuit.
- Classifying** What does administrative law deal with? Why is administrative law considered part of public law?

### Critical Thinking

- BIG Idea** Which type of law that you have read about in this section do you feel has the greatest influence on your daily life? Why?
- Organizing Information** In a graphic organizer like the one below, give two examples of each kind of law.

Criminal Laws	Civil Laws
Drunk driving	

- Evaluating** Describe the contribution of either John Peter Zenger or Ida Wells-Barnett to the rights you enjoy today as an American.

### CITIZENSHIP Activity

- Creative Writing** Write a newspaper article about an imaginary case involving one of the types of laws you read about in this section.



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).

## Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- A person might sue someone for damaging them in some way or for causing them to lose something valuable.
- Administrative law deals with rules and regulations that government agencies of the executive branch issue to carry out their jobs. The laws affect the general welfare of the public.

- Answers will vary. Students should provide reasons for their positions.

Criminal Laws	Civil Laws
murder	negligence
armed robbery	child custody

- Answers should include these points: Zenger's contribution has made it possible for U.S. citizens to enjoy freedom of the press. Wells-Barnett challenged segregation and helped promote the rights of African Americans and women.
- Articles should clearly identify one type of law and provide an accurate portrayal of it.

## Guide to Reading

### Big Idea

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.

### Content Vocabulary

- stare decisis (p. 436)
- writ of habeas corpus (p. 436)
- bill of attainder (p. 436)
- ex post facto law (p. 436)
- due process of law (p. 437)
- search warrant (p. 438)
- double jeopardy (p. 439)
- grand jury (p. 439)
- plea bargaining (p. 440)
- bail (p. 440)

### Academic Vocabulary

- interpret (p. 436)
- factor (p. 437)
- presume (p. 438)

### Reading Strategy

**Identifying** On a diagram like the one below, list three rights that help ensure a fair trial.



## Section 3

# The American Legal System

**Real World Civics** From watching television and movies, nearly everyone knows they have the right to remain silent when arrested. Do you know why it is called the Miranda warning? In 1963, Ernesto Miranda was arrested for kidnap and rape. During a two-hour interrogation, he confessed to the crime. He was never told that he could remain silent or that he had the right to an attorney, as provided by the Fifth and Sixth Amendments in the Bill of Rights. Miranda appealed his conviction, and in 1966 the Supreme Court ruled that his rights had been violated. Do you know your other rights that are guaranteed by the Constitution?

▼ Defendant Ernesto Miranda (right) speaks with his attorney, 1967

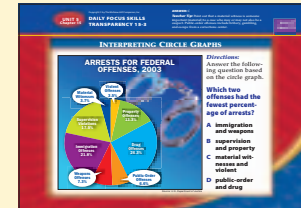


## Focus



### Bellringer

Daily Focus Transparency 15-3



## Guide to Reading

Answers to Graphic:



### Section Spotlight Video

To learn more about the American legal system, have students watch the Section Spotlight Video for this section.

## Resource Manager

<b>R</b> Reading Strategies	<b>C</b> Critical Thinking	<b>D</b> Differentiated Instruction	<b>W</b> Writing Support	<b>S</b> Skill Practice
<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Questioning, p. 436</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Cont. Vocab., URB p. 22</li> <li>• Ac. Vocab., URB p. 24</li> <li>• Guid. Read., URB p. 47</li> <li>• RENTG, p. 147</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Drawing Con., p. 436</li> <li>• Specifying, p. 437</li> <li>• Interpreting, p. 438</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Biography Act., URB p. 25</li> <li>• Quizzes and Tests, p. 180</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Visual/Spatial, p. 440</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Diff. Instr., URB p. 33</li> <li>• Reteach. Act., URB p. 37</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Personal Writing, p. 438</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Writing Skills Act., URB p. 27</li> </ul>	<b>Teacher Edition</b> <ul style="list-style-type: none"> <li>• Interpreting a Chart, p. 439</li> </ul> <b>Additional Resources</b> <ul style="list-style-type: none"> <li>• Chart, Graph, and Map Skills Activity, URB p. 31</li> <li>• Daily Focus Trans., 15-3</li> <li>• Pol. Cartoons Trans. 15</li> </ul>

## Teach

## Reading Strategy

**Questioning** After students read the introduction, direct their attention to the chart. Have them create a list of questions they have about the rights of the accused. After you complete Section 3, discuss students' questions and make sure they are all answered. **BL**

**C Critical Thinking**

**Drawing Conclusions** Ask: **Why do you think it was important to the Framers of the Constitution to include the right to a writ of habeas corpus?** (They wanted to ensure that no person was held unlawfully and ignorant of the charges against him or her.) **OL**

## Analyzing Charts

### Answers:

1. due process of law and equal protection of the laws
2. The government cannot take an individual's life, liberty, or property without proper exercise of the law.

## Differentiated Instruction

## Protections in the U.S. Constitution

**Main Idea** All Americans have basic legal rights and responsibilities.

**Civics & You** Have you ever thought a law was wrong or unfair? Read to find out what you can do about it.

**E**arly settlers in the American colonies enjoyed a degree of liberty found in few countries in the eighteenth century. They owed their rights to legal principles that developed in England and were transferred to America with the colonists. Colonial lawyers studied from English law books, and judges used English common law as the basis for their decisions.

As in England, however, American law increasingly became a law of written statutes, which are the work of Congress and state legislatures. Although legislation has replaced common law, courts still refer to common-law principles when no statutes exist to deal with a given legal issue.

## Individual Rights

The U.S. Constitution is the basic law of our nation. It gives each branch of government a role in making, enforcing, and **interpreting**, or defining, the law. The legislative branch of government makes the laws of the nation. The executive branch carries out these laws and, in doing so, makes laws as well. The judicial branch applies the law to specific cases. Courts base their rulings on written laws and on the precedents of earlier cases. The rulings are then used to build decisions about similar cases in the future. This process is called **stare decisis**, which is Latin for “let the decision stand.”

Several basic legal rights that belong to Americans are included in Article I of the Constitution. One of the most important is

## Constitutional Rights of the Accused

## ARTICLE I, SECTION 9

- to be granted habeas corpus (released until trial)

## FIFTH AMENDMENT

- to have a grand jury hearing
- to be protected from double jeopardy
- to refuse to answer questions that may be incriminating

## SIXTH AMENDMENT

- |  |
|--|
| • to be informed of the accusation                       |
| • to hear and question witnesses                         |
| • to be able to subpoena witnesses                       |
| • to be represented by an attorney                       |
| • to have a speedy and public trial by an impartial jury |
| • to be represented by a lawyer                          |

## FOURTEENTH AMENDMENT

- to have due process of law
- to have equal protection of the laws

## Analyzing Charts

1. **Describing** What protections does the Fourteenth Amendment guarantee?
2. **Analyzing** How does due process of law limit what government can do?

the **writ of habeas corpus**. A writ is a written legal order; *habeas corpus* is a Latin phrase that roughly means “you should have the body.” The writ of habeas corpus requires an official who has arrested someone to bring that person to court and explain why he or she is being held. This writ is a safeguard against being kept in jail unlawfully.

Article I also forbids enactment of **bills of attainder** and **ex post facto laws**. A bill of attainder is a law that punishes a person

## Gustavo Garcia and Carlos Cadena

- |                   |  |
|-------------------|--|
| <b>Objective:</b> | To explain a Supreme Court case                              |
| <b>Focus:</b>     | Have students restate the Fourteenth Amendment.              |
| <b>Teach:</b>     | Discuss struggles that American minorities have had.         |
| <b>Assess:</b>    | Have students explain why this case was a landmark judgment. |
| <b>Close:</b>     | Have students write a summary of the case.                   |

## Differentiated Instruction Strategies

- BL** Explain the meaning of “jury of your peers.” Why didn’t Hernandez have this in Texas?
- AL** Reread the Fourteenth Amendment and explain why Chief Justice Earl Warren and the state of Texas disagreed on its interpretation.
- ELL** Define the term “civil rights.” Explain how it applies to this case.



## Teach

### C Critical Thinking

**Specifying Ask:** What are some of the legal responsibilities that we must practice as American citizens? (Answers may include to abide by laws set forth by our government; to serve on a jury; to testify in court; to speak up to defend the innocent, the helpless; and the community; to report criminal activity; and to stay informed about the law.) **OL**

**Reading Check Answer:** the Fifth and Fourteenth Amendments

## TIME Political Cartoons

### Answers:

1. The scissors represent cutting the right to freedom of speech from the Constitution.
2. He is suggesting that he will stop burning the flag only when his freedom of speech has been rescinded.
3. Answers may vary, but students may say the cartoonist opposes changing the Bill of Rights.

## Hands-On Chapter Project Step 3



accused of a crime without a trial or a fair hearing in court. An ex post facto law is a law that would allow a person to be punished for an action that was not against the law when it was committed.

**A Guarantee of Rights** The Constitution's Bill of Rights further guarantees the freedoms of individuals. Several of these amendments spell out the rights of Americans in relation to the administration of justice. After the Civil War, Congress proposed and the states ratified the Fourteenth Amendment, extending these rights to formerly enslaved persons. The amendment also requires the states to provide equal protection under the law to all persons.

The Fifth and Fourteenth Amendments guarantee **due process of law**. Due process means, in part, that government may not take our lives, liberty, or property except according to the proper exercise of law. The law requires, for example, that accused people have the opportunity for a trial by jury.

The equal-protection clause in the Fourteenth Amendment requires governments to treat all people equally. It forbids unfair or unequal treatment based on **factors**, or influences such as gender, race, and religion. Since the 1950s, this clause has been the major civil rights tool of minorities and women when challenging laws or government policies that discriminate against them.

### Legal Responsibilities

The Declaration of Independence states, "All men are created equal." This democratic ideal of equality means that all people are entitled to equal rights and treatment before the law. Americans have a number of legal responsibilities. By fulfilling them, we ensure that our legal system works as it should and that our legal rights are protected.

**Reading Check Explaining** What two amendments guarantee the due process of law?

## TIME Political Cartoons



With this cartoon, Steve Breen is making a statement on the movement to amend the U.S. Constitution to prohibit flag burning.

1. What do the scissors represent?
2. Why is the man with the flag saying, "After you"?
3. Do you think the cartoonist supports or opposes the proposed amendment? Explain.

## Learning About the Legal System

**Step 3: Journey Through the Legal System** Four groups together will create a game about the criminal justice system.

**Directions** Each group creates four cards about the accused's rights. For example, "Police have taken evidence without a search warrant. Move ahead three spaces."

Next, have students as a class create a board game design. For example, they might design a wheel with spokes, a winding path, or a square. Encourage students to be creative. The spaces or steps will be color coordinated. The spaces should also have a number 2 or 3. Explain that when a player (defendant) lands on a particular color, he or she will pick one of the cards the groups created in Steps 2 and 3. **OL**  
(Project continued on the Visual Summary page)

# Teach

## W Writing Support

**Personal Writing** Have students write a paragraph explaining why they think that the assumption that accused people are “innocent until proven guilty” is or is not important. Explain that the defendant does not have to prove his or her innocence; the prosecutor has to prove his or her guilt. Invite students to share their responses with the class. **OL**

## C Critical Thinking

**Interpreting** Discuss with students that sometimes a search warrant is not needed, for example, if evidence is in “plain view.” Have students research and identify other circumstances in which a search warrant is not required. (*when a person consents to a search without a warrant, when police are in pursuit of a suspect, when public safety is involved, when police officers believe evidence will be removed before a search warrant is obtained*) **AL**

# Guaranteed Rights of Those Accused

**Main Idea** The U.S. Constitution includes several protections for Americans accused of a crime.

**Civics & You** Have you ever received a punishment that seemed too drastic for what you did wrong? Read to find out what the Constitution says about this.

**T**he Constitution includes several specific rights that protect citizens accused of crimes. These rights make sure that accused people are treated fairly and receive every chance to defend themselves. Each right is based on the idea that a person is **presumed**, or believed to be, innocent until proven guilty in a court of law.

## The Fourth Amendment

**C** The Fourth Amendment protects citizens against “unreasonable searches and seizures.” It gives Americans a fundamental right to be secure in their homes and property. Police seeking to intrude on this security must first get a **search warrant**—a judge’s authorization—specifying the exact place to be searched and describing what objects may be

**Enforcing Laws** An arrested person is taken to a police station where the charges are recorded. At this time, the suspect may be fingerprinted, photographed, or put in a lineup to be identified by witnesses. **Explaining** What are the Fifth Amendment rights of a person accused of a crime?

seized. Police must show the judge that they have probable cause—a good reason—that their search will prove useful. In the 1961 case *Mapp v. Ohio*, the Supreme Court adopted what is called the exclusionary rule. This rule says that if the police gain evidence in a way that violates the Fourth Amendment, that evidence may not be used in a trial.

## The Fifth Amendment

The Fifth Amendment states that “no person . . . shall be compelled in any criminal case to be a witness against himself.” This means that a person does not have to answer questions that may incriminate that person, or show his or her involvement in a crime. Before the 1960s, police often questioned suspects, sometimes under great pressure, to push them to confess to a crime before they saw a lawyer or appeared in court.

In 1966, in *Miranda v. Arizona*, the Supreme Court held that police must inform suspects that they have the right to “remain silent”—to refuse to answer police questions. Ernesto Miranda claimed he had not realized he had the right to remain silent or to have a lawyer present during police questioning. Now every person who is arrested hears the Miranda warnings, familiar from TV police programs.

**Caption Answer:** to refuse to answer questions that may be incriminating, to be protected from double jeopardy, and to have a grand jury hearing



438

## Differentiated Instruction

## Leveled Activities

**OL** Writing Activity 15, URB pp. 27–28

**OL** Biography Activity 15, URB pp. 25–26

**AL** Differentiated Instruction Activity 15, URB pp. 33–34

**ELL** Chart/Graph/Map Activity 15, URB p. 31–32

**Writing Activity 15**

**Understanding and Clarifying Word Meanings**

**Learning the Skill**

Many English words, especially legal and medical terms, have Latin roots and mean. In this activity, students will learn the meaning of several Latin words and use them in sentences. The words are listed in the table below. Write the meaning of each word in the space provided. Then, write a sentence using each word.

Legal Term	Latin Root	English Meaning
arrest	arrestare	to seize or detain
detain	detinere	to keep or hold
seize	capere	to take or catch
indict	indicare	to point out or accuse
prosecute	prosequi	to follow up or pursue
defendant	defendere	to defend or protect
accuse	accusare	to charge or blame
convict	convictus	to be found guilty
juror	iurare	to swear or promise
testify	testari	to give evidence
verdict	verdictus	to declare or pronounce

**Practicing the Skill**

Directions: Circle a decision to complete the chart below.

Legal Term	Latin Root	English Meaning
arrest	arrestare	to seize or detain
detain	detinere	to keep or hold
seize	capere	to take or catch
indict	indicare	to point out or accuse
prosecute	prosequi	to follow up or pursue
defendant	defendere	to defend or protect
accuse	accusare	to charge or blame
convict	convictus	to be found guilty
juror	iurare	to swear or promise
testify	testari	to give evidence
verdict	verdictus	to declare or pronounce

**Biography Activity 15**

**Gustavo Garcia (1915–1962) and Carlos Cadena (1917–2002)**

**Learning the Skill**

Read the biography of Gustavo Garcia and Carlos Cadena. Write a paragraph about each man's life. Then, write a paragraph about the impact each man had on the community.

**Practicing the Skill**

Directions: Circle a decision to complete the chart below.

Legal Term	Latin Root	English Meaning
arrest	arrestare	to seize or detain
detain	detinere	to keep or hold
seize	capere	to take or catch
indict	indicare	to point out or accuse
prosecute	prosequi	to follow up or pursue
defendant	defendere	to defend or protect
accuse	accusare	to charge or blame
convict	convictus	to be found guilty
juror	iurare	to swear or promise
testify	testari	to give evidence
verdict	verdictus	to declare or pronounce

**Differentiated Instruction Activity 15**

**Due Process of Law**

**Learning the Skill**

Read the passage about the Due Process of Law. Write a paragraph about the importance of the Due Process of Law. Then, write a paragraph about the impact of the Due Process of Law on the community.

**Practicing the Skill**

Directions: Circle a decision to complete the chart below.

Legal Term	Latin Root	English Meaning
arrest	arrestare	to seize or detain
detain	detinere	to keep or hold
seize	capere	to take or catch
indict	indicare	to point out or accuse
prosecute	prosequi	to follow up or pursue
defendant	defendere	to defend or protect
accuse	accusare	to charge or blame
convict	convictus	to be found guilty
juror	iurare	to swear or promise
testify	testari	to give evidence
verdict	verdictus	to declare or pronounce

**Chart/Graph/Map Activity 15**

**Using a T-Chart**

**Learning the Skill**

Read the passage about the Due Process of Law. Write a paragraph about the importance of the Due Process of Law. Then, write a paragraph about the impact of the Due Process of Law on the community.

**Practicing the Skill**

Directions: Circle a decision to complete the chart below.

Legal Term	Latin Root	English Meaning
arrest	arrestare	to seize or detain
detain	detinere	to keep or hold
seize	capere	to take or catch
indict	indicare	to point out or accuse
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defendant	defendere	to defend or protect
accuse	accusare	to charge or blame
convict	convictus	to be found guilty
juror	iurare	to swear or promise
testify	testari	to give evidence
verdict	verdictus	to declare or pronounce

# Teach

## S Skill Practice

**Interpreting a Chart** Explain to students that the Miranda warning was instituted after Ernesto Miranda confessed to a crime while in police custody. **Ask:** Which of the rights included in the Miranda warning do you think is most important? (Answers will vary.) **OL**



Objectives and answers to the **Student Web Activity** can be found at [glencoe.com](http://glencoe.com) under the Web Activity Lesson Plan for this chapter.

## Analyzing Charts

### Answers:

1. no
2. so that he or she will not inadvertently admit to the crime or say something incriminating

## Additional Support

### Teacher Tip

This activity requires students to remember which rights are protected under different amendments. Group students so that they feel comfortable learning the material. Encourage students to share memory devices, such as songs or mnemonic devices, that help them remember.

The Fifth Amendment also protects an accused person from **double jeopardy**. This means that a person who is tried for a crime and found not guilty may not be placed in jeopardy—put at risk of criminal penalty—a second time by being retried for the same crime.

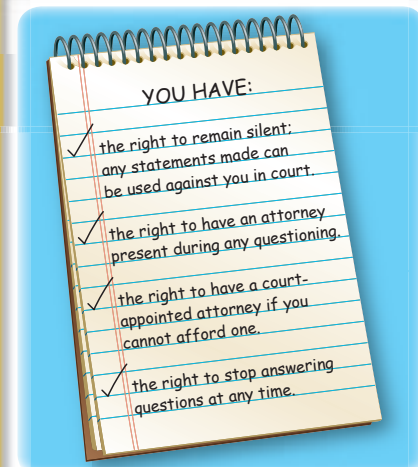
**What Is a Grand Jury?** The Fifth Amendment says, furthermore, that people accused of serious federal crimes must be brought before a **grand jury** to decide whether the government has enough evidence to bring them to trial. (In some states, a preliminary hearing is used instead of a grand jury indictment.) A grand jury is a group of 12 to 23 citizens that hears evidence presented by a prosecutor. It decides whether there is enough evidence to indicate that the accused has committed a crime. If the grand jury finds sufficient evidence to proceed to trial, it indicts the accused person, or issues a formal charge that names the suspect and states the charges against him or her.

## The Sixth Amendment

The Sixth Amendment grants an accused person the right to be defended by a lawyer. In 1963 the Supreme Court, in *Gideon v. Wainwright*, interpreted the amendment to mean that if a defendant cannot afford a lawyer, the state must provide one. Previously the federal government provided lawyers for poor defendants, but some states did not if the case did not involve capital punishment.

The Sixth Amendment also guarantees that accused people must be informed of the nature and cause of the accusations against them and have “the right to a speedy and public trial, by an impartial jury” and the right to confront, or question, witnesses against them. This right protects defendants against

## Miranda Warning



## Analyzing Charts

1. **Explaining** Can the police force you to answer questions?
2. **Concluding** Why is it important for a suspect to have his or her attorney present when being questioned by police?

being held in jail for an unreasonably long time. It also means that trials usually may not be closed to the public or the news media.

**Right to a Trial** A person accused of a crime also has the right to a trial by an impartial jury. *Impartial* means that jury members will be people who do not know anyone involved in the case and have not already made up their minds about the case. Jury members usually must be drawn from the area where the crime was committed.

Although everyone charged with a crime has a right to a jury trial, defendants may choose to appear before only a judge, without a jury. This kind of trial is called a bench trial.

## Activity: Collaborative Learning

**Naming** Group students in small groups, and have them use the note cards they created on page 438 to learn the rights of the accused as guaranteed by the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments.

Once groups have memorized the material, organize the class into two teams. Have the teams take turns reading a right aloud. The opposing team must identify the correct amendment. **OL**



**Student Web Activity** Visit [glencoe.com](http://glencoe.com) and complete the Chapter 15 Web Activity.



# Teach

## D Differentiated Instruction

**Visual/Spatial** Have small groups research their state laws and create a poster that ranks at least ten offenses from the most serious to the least serious. For each offense, have them decide on an appropriate bail. **OL**

### ✓ Reading Check

**Answer:** It forced states to examine death penalty laws to make them impartial.

# Assess



**Study Central™** provides summaries, interactive games, and online graphic organizers to help students review content.

# Close

**Summarize** Have students review the graphic organizer they completed for Section 3. Using their notes and graphic organizers, have students write a summary of the Constitutional Rights of the Accused. **OL**

## Section 3 Review

Even so, many criminal prosecutions do not come to trial at all—with or without a jury—because of plea bargains. **Plea bargaining** is a negotiation between the defense attorney and the prosecutor, who is the government's attorney.

In a plea bargain, the government offers the defendant a chance to plead guilty to a less serious crime in exchange for receiving a less severe penalty than he or she might receive at trial. A judge must agree to any bargain. Plea bargains can cut down on the expense and time of a trial. They also help judges handle the volume of criminal cases that courts process.

## The Eighth Amendment

The Eighth Amendment outlaws "cruel and unusual punishments." Also, a punishment may not be out of proportion to the crime, such as imposing a life sentence for shoplifting. There is controversy, however, over how this protection relates to the death penalty. In 1972 the Supreme Court ruled in *Furman v. Georgia* that the death penalty as

then administered was not constitutional. The Court found that the death penalty was being imposed in unfair ways, for a wide variety of crimes, and mainly on African Americans and poor people.

After the *Furman* decision, most states revised their death penalty laws to comply with the Supreme Court's guidelines. Some states have established a two-stage process to deal with death penalty cases. First, a jury trial determines the guilt or innocence of the defendant. A separate hearing then determines the degree of punishment.

**What Is Bail?** The Eighth Amendment also prohibits "excessive bail." **Bail** is a sum of money an arrested person pays to a court to win release from jail while awaiting trial.

In determining the amount of bail, the judge considers the seriousness of the case, the criminal record of the accused, and the ability of the accused to post bail.

### ✓ Reading Check

**Explaining** What effect did the *Furman* decision have?

## Section 3 Review

### Vocabulary

- Define** the following terms and use them in sentences related to constitutional legal protections and rights of the accused: *writ of habeas corpus*, *bill of attainder*, *ex post facto law*, *double jeopardy*, *bail*.

### Main Ideas

- Describing** How is the Bill of Rights related to protecting citizens?
- Explaining** Why is a writ of habeas corpus an important right?

### Critical Thinking

- BIG Idea** Why do you think it is important for arrested persons to be informed of their Miranda rights?
- Summarizing** On a web diagram like the one below, list four legal protections that are included in the Bill of Rights and in the Fourteenth Amendment of the Constitution.



- Analyzing Visuals** Review the chart on page 436. Which part of the U.S. Constitution includes the guarantee that if you are arrested you must be informed of the charges against you?

### CITIZENSHIP Activity

- Persuasive Writing** Which of the rights guaranteed to people accused of a crime do you think is the most important? Explain.



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).

## Answers

- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- Several amendments in the Bill of Rights protect all U.S. citizens' legal rights before the law.
- It guarantees U.S. citizens the right to know why they have been arrested and safeguards them from being held in prison indefinitely.
- The Miranda Rights ensure that all citizens know that they have the opportunity to have a lawyer and a trial and will not be forced to confess.
- Answers will vary but may include: the right to a grand jury, the right to due process under the law, protection from illegal searches, and the right to a speedy trial.
- the Sixth Amendment
- Responses will vary. Students should explain which right they think is most important for the accused and why.

# Visual Summary

## Sources of Our Laws

- The set of rules and standards by which a society governs itself is known as law.
- Laws keep the peace and prevent violent acts.
- Laws set punishments and rules for resolving disputes.
- To be fully effective, laws must be fair and must treat all people equally.

## Early Systems of Law

- The earliest laws were probably passed from one generation to the next by word of mouth.
- Early laws, such as the Code of Hammurabi, the Ten Commandments, Roman law, and English law, have influenced our laws today.



Lady Justice symbolizes impartiality

## Visual Summary 15

**Determining Importance** Have students work with partners and list reasons why laws are written. Have them use the details to write a paragraph stating why people need laws. **Ask:** *Do you think laws help prevent crimes? Why or why not?* Suggest that students find out which communities in your area have the lowest crime rates and why. **OL**

**Illustrating** Have students create a montage of symbols for the laws that have influenced American laws. Students can use the symbols pictured in this section. Encourage students to use different formats and mediums. Allow students to discuss their work with the class and to display it in the classroom. **OL**

**Descriptive Writing** Have students review the legal rights provided for under the U.S. Constitution. Have them create bumper stickers that describe these rights. Bumper stickers might involve a play on words or include rhymes. Students may provide a visual for each bumper sticker. **AL**

## The American Legal System

- The Constitution is our most fundamental and important source of law.
- Many types of law exist, including criminal and civil law.
- Whereas criminal law deals with criminal acts, civil law deals with disputes between people or groups.
- Article I of the U.S. Constitution and the Bill of Rights include several protections for those accused of a crime.



Emergency personnel provide help at an accident scene

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441

## Learning About the Legal System

**Step 4: Analyzing the Legal Rights and the Legal System** Groups will join together to play a board game that illustrates some of the maneuvers of the criminal justice system.

**Directions** Students will now play their board game. Each group may have a player (defendant) on the board. Defendants will begin by choosing a card from Step 1 to determine what kind of law they broke and their punishment. Next, the defendants must go through the legal system. The cards from Step 2 and 3 will help each defendant

progress. The winner is the defendant who exits the legal system first.

At the end of the game, have students discuss how difficult or easy it is to navigate through the criminal justice system. **OL**

## Hands-On Chapter Project Step 4: Wrap-Up

## Answers and Analyses

### Reviewing Vocabulary

**1. D** In this question, the student has to differentiate between types of laws, which are represented by answer choices A, B, and C, and a system of law. Common law is considered a system of law.

**2. A** Students must remember that civil law concerns disputes between people. Felonies are serious crimes. Students might mistakenly choose C, thinking libel is part of civil law. Choice D describes a person, not a type of law.

**3. B** Students will most probably choose between A and B. The plaintiff is the one bringing charges against the accused. The defendant is the accused.

**4. C** This question requires that students know how attorneys can agree to settle a case without going through the court system. A verdict is the decision the jury or judge offers to the defendant. Due process of law is a right guaranteed by the Constitution.

### Reviewing Main Ideas

**5. C** This question requires that students think about how our laws were created. They are not new. Some students may think they were created as a protest against King George III, but many English laws had a strong influence in the U.S. Constitution.

**6. D** In this question, students must recall which laws were developed first. Although some of the penalties were harsh, the Code of Hammurabi is the first-known system of written laws.

**7. A** This question requires that students can differentiate between two types of crimes: felonies and misdemeanors. A felony is a crime such as murder, and the consequence is serious. Choices C and D are legal terms but are not related to crimes.

### TEST-TAKING TIP

Make sure the number of answer spaces on the answer sheet matches the number of questions on the test you are taking.

### Reviewing Vocabulary

*Directions: Choose the word(s) that best completes the sentence.*

- The system of \_\_\_\_\_ law is based on court decisions rather than on a legal code.  
A criminal                      C administrative  
B constitutional              D common
- The system of civil law dealing with civil wrongs, or \_\_\_\_\_ has a long history.  
A torts                          C libels  
B felonies                      D plaintiffs
- A person charged with a crime and tried in court is the \_\_\_\_\_.  
A plaintiff                      C tort  
B defendant                   D judge
- A \_\_\_\_\_ is a negotiation between the prosecutor and defense attorney to avoid a trial.  
A verdict                      C plea bargaining  
B due process of law        D search warrant

### Reviewing Main Ideas

*Directions: Choose the best answer for each question.*

#### Section 1 (pp. 426–429)

- On which of the following did the writers of the U.S. Constitution base the system of laws?  
A Russian law  
B new laws they created  
C ancient laws passed down through generations  
D warnings from King George

- The oldest system of laws known to the modern world is the \_\_\_\_\_.  
A Justinian Code  
B Napoleonic Code  
C Roman Code  
D Code of Hammurabi

#### Section 2 (pp. 430–434)

- A crime that is considered less serious and requires a short jail sentence is a \_\_\_\_\_.  
A misdemeanor  
B felony  
C plaintiff  
D lawsuit
- Which of the following might result in a lawsuit?  
A A person is attacked and a wallet is stolen.  
B A person has his or her garage painted with graffiti.  
C A company breaks a contract to build someone's house.  
D A person is hit by a hit-and-run driver.

#### Section 3 (pp. 435–440)

- With a writ of habeas corpus, the person arrested has a right to know \_\_\_\_\_.  
A why he or she is being held  
B who the prosecutor is  
C who brought the lawsuit against him or her  
D how many people will be on his or her jury

GO ON 

**8. C** This question requires that students apply what they learned about lawsuits. Students must recall that a lawsuit is a legal action in which a person sues to collect damages. Of all the choices, C is the only one in which the individual was wronged. The other choices provide more serious offenses against property, and formal charges would be filed.

**9. A** Students need to remember the phrase "habeas corpus" means "you should have the body." Students might mistakenly choose choice C, a right protected under the Sixth Amendment.



Critical Thinking

Directions: Choose the best answer for each question.

Base your answers to questions 10 and 11 on the chart below and your knowledge of Chapter 15.

Misdemeanors and Felonies
Minor crimes and misdemeanors are tried in the lower state courts.
<ul style="list-style-type: none"><li>• Running a red light</li><li>• Littering</li><li>• Shoplifting small items</li><li>• Vandalism</li></ul>
Felonies are tried in the higher state courts.
<ul style="list-style-type: none"><li>• Murder</li><li>• Arson</li><li>• Robbery</li><li>• Drug trafficking</li></ul>

10. What type of law deals with the examples in this chart?
- A civil law  
B criminal law  
C constitutional law  
D administrative law
11. Which of the following offenses would most likely be punished with a fine?
- A arson  
B murder  
C robbery  
D littering

Document-Based Questions

Directions: Analyze the following document and answer the short-answer questions that follow.

Warren E. Burger served as Chief Justice of the U.S. Supreme Court from 1969–1985—longer than any other justice in the twentieth century. Here he speaks about the right to a trial.

A far greater factor than abolishing poverty [to stop crime] is the deterrent effect of swift and certain consequences: swift arrest, prompt trial, certain penalty and—at some point—finality of judgment.

—Justice Warren E. Burger

12. To which Constitutional amendment is Justice Burger referring in this statement?
- A First Amendment  
B Fourth Amendment  
C Fifth Amendment  
D Sixth Amendment
13. Do you agree with Justice Burger in his statement? Why or why not?

Extended-Response Question

14. Briefly explain what makes a law a good law. Give at least three characteristics.



**Civics ONLINE**

For additional test practice, use Self-Check Quizzes—Chapter 15 on [glencoe.com](http://glencoe.com).

Need Extra Help?	1	2	3	4	5	6	7	8	9	10	11	12	13	14
If you missed question...														
Go to page...	429	433	431	440	428	428	432	432	436	431	432	439	439	427

STANDARDIZED TEST PRACTICE

Document-Based Questions

12. D The question requires that students know which rights are guaranteed under each of the amendments listed. The Fourth and Fifth Amendment were discussed. The Fourth Amendment concerns search and seizure rights, and the Fifth Amendment is most noted for the right to remain silent.

13. Students' answers will vary. Answers should include sound reasoning using supporting details from the chapter.

Extended Response

14. Students' answers will vary. Students should mention that good laws are fair, understandable, and enforceable. Look for supporting details from the chapter.

Critical Thinking

10. B In this question, students need to recall that crimes are categorized as either felonies or misdemeanors, so these content vocabulary words refer to criminal law.

11. D Choices A–C are all crimes that would require jail time. Answer choice D, "littering," is the only offense in this group for which a person could be fined.

**Civics ONLINE**

Have students visit the Web site at [glencoe.com](http://glencoe.com) to review Chapter 15 and take the **Self-Check Quiz**.

**Need Extra Help?**

Have students refer to the pages listed if they miss any of the questions.

## Teach

### C Critical Thinking

**Identifying Central Issues** Have students discuss why local officials have decided to take the illegal immigration situation into their own hands. **Ask:** *Why do local lawmakers want to pass legislation on immigrants that the federal government is unwilling to pass? (Local communities feel that they can judge better than the federal government how illegal immigrants affect their quality of life.)* **OL**

### S Skill Practice

**Interpreting a Chart** Have students look at the pie chart. **Ask:** *Besides Mexico, from where are most illegal immigrants? (other Latin American countries)* Ask students to explain how an influx of illegal workers affects the U.S. economy. Have them study the income numbers mentioned on the right, discuss if they think illegal workers help or hinder the economy, and explain their reasons. **OL**

For additional practice on this skill (Interpreting a Chart), see the **Skills Handbook**.

## Additional Support

## Background

Illegal immigration from Mexico is not new, nor are worker programs and amnesty reforms. In 1942, the U.S. government signed an agreement legalizing entry of Mexican migrant workers to states on the southern U.S. border. The Mexican Farm Labor Program Agreement was initiated to

## New Laws on Immigration

In the absence of national legislation, lawmakers are formulating local statutes

Fed up with all the Congressional talk and the lack of national legislation on immigration, lawmakers in cities across the U.S. have been taking matters into their own hands. To deter illegal immigrants from coming to town, they've been passing local laws. In Vista, California, a new ordinance requires employers to register with the city before using day laborers, many of whom are illegal immigrants. They must also report whom they hire. The coal town of Hazleton, Pennsylvania (population 31,000), passed the nation's toughest illegal-immigration law in 2006. Hazleton's regulations impose fines on employers who knowingly hire illegal immigrants and on landlords who rent to them. "Our quality of life is at stake, and I'm not going to sit back and wait for the Federal Government to do something about it," said Mayor Louis Barletta. "I know that other cities across the country feel the same way."

The Puerto Rican Legal Defense and Education Fund filed a lawsuit to overturn Hazleton's ordinance, which Cesar Perales, president of the New York City-based advocacy group, calls "unconstitutional and discriminatory." Perales cites a legal analysis by the bipartisan Congressional Research Service that suggests Hazleton's ordinance, by creating penalties for those who aid immigrants, may be trampling on an area of law that is under federal jurisdiction. "You can't have every little town deciding the conditions under which illegal immigrants are going to live there," he says. For now, at least, some communities seem determined to try.

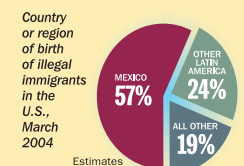


**ON THE JOB** Landscaping attracts immigrants, both legal and illegal, in East Hampton, New York, a wealthy community on Long Island.

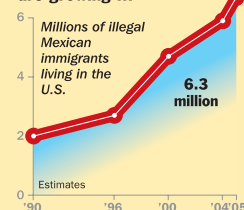
Samantha Appleton—Aurora for TIME

### How the Influx Is Changing the U.S.

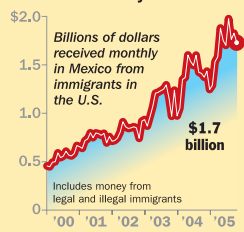
Illegal immigrants in the U.S. are largely from Mexico ...



... Their numbers are growing ...



... and they are sending more and more money back home



### PROFILE OF IMMIGRATION

1 in 10

Proportion of Mexicans born in Mexico who now reside in the U.S.

80% to 85%

Percentage of new immigrants from Mexico who lack legal documentation

\$9

Median hourly wage of Mexican-born workers in the U.S. in 2004

\$1.86 (21 pesos)

Median hourly wage in Mexico in 2004

\$450 billion

Estimated combined annual gross income of all U.S. workers born in Latin America, of both legal and illegal immigration status, according to a 2004 report\*

93%

Percentage of that \$450 billion that was spent in the U.S.\*

\*From the Inter-American Development Bank

Sources: Pew Hispanic Center; National Immigration Law Center; National Conference of State Legislatures; INEGI (Instituto Nacional de Estadística, Geografía e Informática)

supply workers to farms during World War II. The "Bracero Program" set the minimum wage at thirty cents an hour. In addition, farm owners had to provide shelter and food to Mexican farmworkers.

Over four million *braceros* entered the country between 1942 and 1964. While many returned to Mexico after their services were no longer needed, many stayed in the

United States illegally. The Immigration and Naturalization Service expelled approximately 3.8 million illegal Mexican workers. In 1964, the program was not renewed. Mechanization, infringement on U.S. workers' employment opportunities, and rising wages led Congress to give up the program.

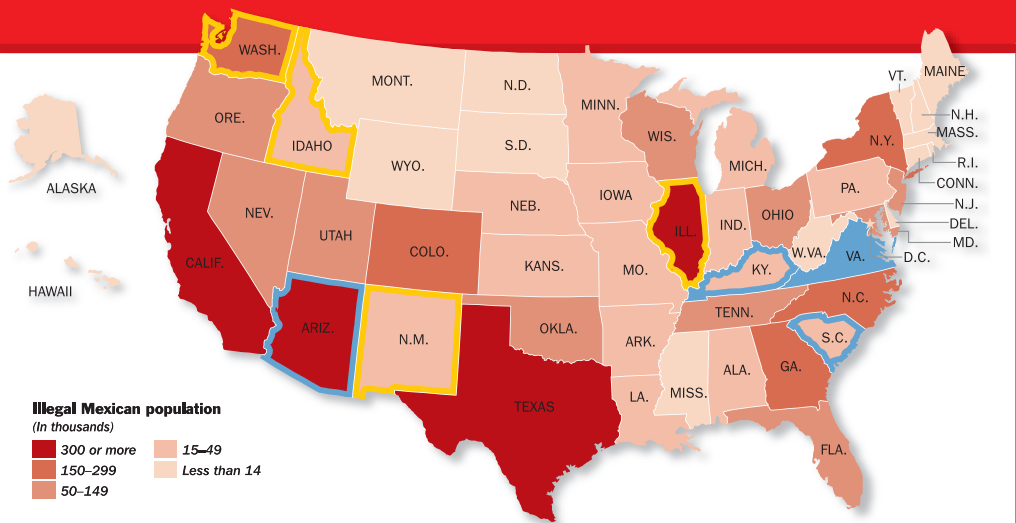
## Teach

### C Critical Thinking

**Making Inferences** **Ask:** Why might a majority of U.S. citizens feel that illegal immigrants are a real problem when only a few say that they are not personally affected by their presence? (Answers will vary. Students may mention that many people are prejudiced against people from other countries, fear that low-wage earners will take jobs from U.S. workers, and resent sharing social services with people who do not pay taxes.) **OL**

### W Writing Support

**Persuasive Writing** After students read about legislation that is both supportive and obstructive, discuss what kinds of rights non-U.S. citizens have. **Ask:** Should people who enter the country illegally have the same rights as those who are here legally? Do you think illegal immigrants share the same responsibilities as U.S. citizens? Have students write their opinions about the topic as letters, addressed to the president of the United States. **OL**



### Where unauthorized Mexican immigrants go

About 6.3 million illegal immigrants from Mexico live in the U.S., according to the Pew Hispanic Center, and an average of 485,000 more arrive every year. In response, state legislatures considered nearly 300 bills on immigration policy in the first half of 2005 alone, but passed just 47. While some states address the challenges facing migrant workers with families, others are trying to crack down on illegal immigration.

#### SUPPORTIVE LEGISLATION

**Washington State** Reversed a 2002 measure and restored health-care coverage to children regardless of their immigration status.

**Idaho** Rejected a bill that would have required counties to pay for transportation of undocumented workers back to their home countries.

**Illinois** Governor Rod Blagojevich set up an office to study immigrants' contributions and needs; a new law allows illegal immigrant children to obtain health insurance.

**New Mexico** Became the ninth state to extend in-state tuition benefits to undocumented immigrant students.

#### CRACKING DOWN

**Virginia** A recent bill would make it the first state to prohibit illegal immigrants from attending state colleges; a new law restricts other benefits.

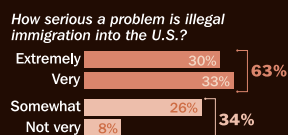
**Kentucky** Enacted a law requiring anyone seeking licenses for various professions to show proof of immigration status.

**South Carolina** A bill passed the state house and senate requiring Medicaid applicants to present proof of legal residency if asked.

**Arizona** Passed a law prohibiting cities from maintaining public day-laborer centers, where migrant workers congregate to seek employment.

### TIME POLL

#### A majority say illegals are a real problem ...

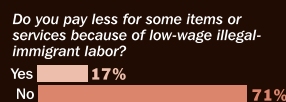


**83%** are concerned that providing social services for illegal immigrants costs taxpayers too much

**71%** are concerned that illegal immigrants increase crime

**56%** think illegal immigrants are taking jobs that citizens don't want

#### ... although few say they are personally affected ...



**61%** said they have had some kind of contact with people they believed to be illegal immigrants

**5%** said they had hired someone they thought might be illegal to work around the house

**14%** said they had hired a contractor or company that may have used illegal immigrants

#### ... they still want more done about it



**50%** said all illegal immigrants should be deported, but:

**76%** think illegal immigrants should be able to earn citizenship

**73%** favor guest-worker registration for those already here

**64%** favor issuing temporary work visas for seasonal work

\*Includes 7% who think the government is doing "too much"

This TIME poll was conducted by telephone Jan. 24-26, 2006 among 1,002 adult Americans by SRBI Public Affairs. The margin of error is 3 percentage points. "Don't know" answers omitted

### Reading Strategy

### Read to Write

**Making Decisions** Begin a discussion on how students feel about illegal immigrants. To encourage discussion, ask the following questions: **Do you think illegal immigration is a serious problem? Do border states have a responsibility to tighten their borders or should the federal government intervene? Is building a wall a viable solu-**

**tion? Will stricter laws deter the influx? Should illegal immigrants who are caught be returned to their country of origin or placed in jail?**

Next, have students form small groups and discuss ways in which they think lawmakers should deal with illegal immigration. Have groups come up with one or more solutions

and write their proposals. They may use chart paper with bulleted solutions or present a "road map" to border security. Have groups share their proposals with the class. **OL**